

District Judge Tana Lin

**IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

MURAD KHALED ATALLA  
ALMIAWI,

Petitioner,

v.

UR JADDOU, et al.,

Respondents.

Civil No. 2:23-cv- 919-TL

**STIPULATED MOTION TO  
DISMISS AND REMAND CASE  
TO UNITED STATES  
CITIZENSHIP AND  
IMMIGRATION SERVICES,  
PURSUANT TO 8 U.S.C. § 1447(b)  
and ~~PROPOSED~~ ORDER**

Noted for Consideration: 07/14/2023

1. Petitioner commenced an action pursuant to 8 U.S.C. § 1447(b), requesting this Court to adjudicate his application for naturalization that was pending before the United States Citizenship and Immigration Services (“USCIS” or “the agency”) for more than 120 days after Petitioner had been interviewed.

Stipulation to Remand

1           2.     USCIS is now prepared to resolve this matter by adjudicating  
2     Petitioner's application for naturalization. However, USCIS cannot adjudicate  
3  
4     the application unless and until the Court remands the matter to the agency. *See*  
5     8 U.S.C. § 1447(b) (explaining that the district court "may remand [a] Section  
6     1447(b) case], with appropriate instructions, to the [USCIS]"); *United States v.*  
7  
8     *Hovsepian*, 359 F.3d 1144, 1160 (9th Cir. 2004) (accord).

9           Accordingly, subject to the Court's approval, IT IS HEREBY STIPULATED  
10     that:  
11

12           1.     The Court shall dismiss this matter without prejudice and remand  
13     this case to USCIS, directing the agency to take any and all necessary actions,  
14  
15     and to issue a decision on Petitioner's application for naturalization within 7  
16     days of the remand order. Based on the information now available to it, USCIS  
17     sees no basis that precludes a grant of Petitioner's application for naturalization.  
18  
19     However, Petitioner acknowledges his burden to establish and maintain  
20     eligibility for naturalization up to the time he has taken the oath of allegiance.

21           2.     If USCIS does not issue a decision on Petitioner's application for  
22  
23     naturalization within the time frame set forth in paragraph 1 above,  
24     Respondents will not oppose any request by Petitioner to this Court to vacate  
25  
26

27     Stipulation to Remand

1 the remand order and thereby re-assert jurisdiction over Petitioner's action  
2 pursuant to 8 U.S.C. § 1447(b).

3  
4 3. Petitioner has asserted a claim to attorney's fees and costs under  
5 the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. The parties hereby  
6 agree that both parties not be awarded attorney's fees and costs under the EAJA.  
7

8 Dated: July 14, 2023

Respectfully submitted,

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10 Acting United States Attorney

11 /s/ Michelle R. Lambert  
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17 Dated: July 14, 2023

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27 Stipulation to Remand

~~PROPOSED~~ ORDER

Pursuant to the Parties' stipulation (Dkt. No. 7), IT IS SO ORDERED. This case is  
DISMISSED without prejudice and without fees or costs. The case is REMANDED to  
USCIS.

Dated: July 17, 2023



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Tana Lin  
United States District Judge

Stipulation to Remand